

REMARKS

The present invention is an audio accessory. An audio accessory in accordance with an embodiment of the invention includes a neck strap 7 having an attachment device 6 for attaching an audio source to the neck strap, whereby the audio source may be carried in the neck strap during normal use; at least one earplug 5 can be connected to the audio source through a set of wires 3 to be connected to the audio source; and means for temporarily attaching 6 a free end of the earplug wires to the neck strap to permit the earplug wires to be movable to permit the at least one earplug to be positioned in an ear of a person wearing the neck strap while the earplug wires are attached to the neck strap. The length of wire represented by L_2 between the means for temporarily attaching 6 and the earplug is sufficient so that the earplug 5 may be positioned either in the ear of the wearer of the audio accessory or attached to means connected to the neck strap 10 for catching the free end of the wires carrying the at least the earplug when removed from the strap.

Claim 6 is rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out distinctly claim the invention.

Claim 6 has been cancelled which moots the grounds of rejection.

Claims 1, 2 and 5 are rejected as being unpatentable under 35 U.S.C. §103 over United States Patent 5,965,630 (Mackey) in view of United States Patent 4,993,065. These grounds of rejection are traversed for the following reasons.

Claims 7, 8 and 11 correspond to rejected claims 1, 2 and 5.

Independent claim 7 recites:

“An audio accessory comprising:
a neck strap having an attachment device for attaching an audio source to the neck strap, whereby the audio source may be carried in the neck strap during normal use;
at least one earplug to be connected to the audio source through a set of wires to be connected to said audio source; and
means for temporarily attaching a free end of the earplug wires to the neck strap to permit the earplug wires to be moveable to enable the at least one earplug to be positioned in an ear of a person wearing the neck strap while the earplug wires are attached to the neck strap.”

There is no counterpart in a proposed combination of Mackey and Chiou of the means for temporarily attaching a free end of the earplug wires to the neck strap to permit the earplug wires to be moveable to enable the at least one earplug to be positioned in an ear of a person wearing the neck strap while the earplug wires are attached to the neck strap. It should be noted that the Examiner correctly acknowledges that Mackey fails to clearly teach the gripping means for temporarily attaching the free end of the earplug wires to the neck strap. It is seen that the earplug wires of Mackey extend into a grommet or other structure and terminate at a set of earphones 20 positioning in the ears of a listener.

However, the Examiner's statement that Chiou teaches this subject matter is incorrect. In the first place it may be seen that the first and second earpiece retainers 13 and 14 are attached to the earpieces 20 and 30 and not to the claimed earplug wires. Therefore, if the claimed combination were made the subject matter of claim 1 and newly submitted claim 7 would not be achieved. Moreover, the means for temporarily attaching the free end of the earplug wires to the neck strap is recited as “to permit the earplug wires to be movable to enable the at least one earplug to be positioned in an ear of a

person wearing the neck strap while the earplug wires are attached to the neck strap.” It is seen that the earpiece retainers 13 and 14 in use do not perform this function.

It is seen in Figure 6 of Chiou that the earplugs containers 13 and 14 are detached from the harness while inserted in a listener’s ear and are attached as shown in Fig. 4 to the harness while not in the listener’s ear. Moreover, the first and second cord clips 15 and 16 do not perform the claimed temporary attaching of the free end in that they permanently affix the wire as illustrated in Figure 6. Accordingly the subject matter of claim 7 is not rendered obvious by the proposed combination of Mackey and Chiou.

Claim 8, which corresponds to claim 2, further limits claim 7 in reciting means connected to the neck strap for catching the free end of the wires carrying the at least one earplug when removed from the ear. The Examiner refers to the earpiece retainers 13 and 14 as performing the aforementioned function. However, the Examiner has already read the earpiece retainers as being the gripping means in the rejection of claim 1. Accordingly, it is submitted that the Examiner has not demonstrated that the earpiece retainers 13 and 14 correspond to the claimed means for temporarily attaching a free end of the earplug wires to the neck strap to permit the earplug wires to be movable to enable the at least one earplug to be positioned in a ear of a person wearing the neck strap while the earplug wires are attached to the neck strap as recited in claim 7 and means connected to the neck strap for catching the free end of the wires carrying the at least one earplug when removed from the ear as recited in claim 8.

Claim 11, which corresponds to claim 5, further limits claim 7 in reciting the neck strap comprises means temporarily attaching each of the two earplug wires to the neck strap and means connected to the neck strap attaching each free end of the wires carrying respective earplugs. Claim 11 is patentable for the same reasons set forth above with respect to claim 7. Claims 12-14, which are identical to claim 11, are also patentable for the reasons set forth regarding claim 11.

Claims 3 and 4 stand rejected under 35 U.S.C. §103 as being unpatentable over Mackey in view of Chiou further in view of Japanese Publication 10136482. The Examiner reasons that the '482 publication discloses catching means which includes at least one permanent magnet mounted on the neck strap as recited in claim 9 which corresponds to claim 3 and further wherein at least one magnet mounted on the neck strap is mounted at a distance from the means for temporarily attaching corresponding to a free end of the wires from the means for temporarily attaching as recited in claim 10 which corresponds to claim 4. However, the teachings of the '482 publication pertain to holding earphones used for television viewing and would not suggest anything pertaining to positioning of an earplug "in an ear of a person wearing the neck strap while the earplug wires are attached to the neck strap" as recited in claim 7. It is submitted that the '482 patent does not cure the deficiencies noted above with respect to Mackey and Chiou. A translation of the '482 reference is enclosed.

In view of the foregoing amendments and remarks it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 1030.40892X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

Donald E. Stout
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ANTONELLI, TERRY, STOUT & KRAUS, LLP

DES/kmh

Attachments



2005-01-06

Translation of JP10136482 from PAJ

[Field of the Invention] Only required die length can use the line of a long earphone, and this invention relates to the earphone receptacle which can carry out house keeping of the earphone simply.

[Description of the Prior Art] In case he watched television conventionally in a hospital, the earphone had to be used, and at the time of earphone use, the line of an earphone was too long, and it hung down to the floor, or the earphone fell to the floor, and it was very dirty. Moreover, when not using an earphone, wound one by one, and tidied up, or it was left in front of television, and had connected to the handrail of a bed etc.

[Problem(s) to be Solved by the Invention] This had the following faults.
When it was left in front of I and television, the time of cleaning etc. was very obstructive and unsightly.
When it was left on RO and a bed, it fell to the floor and was very dirty at some rhythm.
Since it had to wind one by one when tidying up, Ha and, it was very troublesome. This invention is made in order to solve the above fault.

[Effect of the Invention] Without converting the conventional earphone by using this invention, processing of a line can be simplified and an earphone can be ****(ed) well.

[Means for Solving the Problem] A magnet (3) will be attached to the body of an earphone line receptacle (1) and an earphone receptacle (2) if this is explained about a drawing. This this invention is a house-keeping implement of an earphone which consists of the above configuration.
[0005]

[Embodiment of the Invention] The gestalt of operation of this invention is explained below. An earphone line receptacle (1) is for tidying up finely beside a television case, when the excessive line from television to his lug can be arranged and an earphone is not used. An earphone receptacle (2) is for containing an earphone simply, when not using an earphone. A magnet (3) is a magnet for making it attached in the part of iron, such as a television case or a bed.

[Brief Description of the Drawings]

[Drawing 1] It is drawing from [of this invention] each.

[Description of Notations]

- 1 - earphone line receptacle
- 2 - earphone receptacle
- 3 - a magnet

[Detailed Description of the Invention]

[0001]

[Field of the Invention] Only required die length can use the line of a long earphone, and this invention relates to the earphone receptacle which can carry out house keeping of the earphone simply.

[0002]

[Description of the Prior Art] In case he watched television conventionally in a hospital, the earphone had to be used, and at the time of earphone use, the line of an earphone was too long, and it hung down to the floor, or the earphone fell to the floor, and it was very dirty. Moreover, when not using an earphone, wound one by one, and tidied up, or it was left in front of television, and had connected to the handrail of a bed etc.

[0003]

[Problem(s) to be Solved by the Invention] This had the following faults.

When it was left in front of I and television, the time of cleaning etc. was very obstructive and unsightly.
When it was left on RO and a bed, it fell to the floor and was very dirty at some rhythm.
Since it had to wind one by one when tidying up, Ha and, it was very troublesome. This invention is

IPR Department
John Hård

2005-01-06

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[0004]

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[0005]

[Embodiment of the Invention] The gestalt of operation of this invention is explained below. An earphone line receptacle (1) is for tidying up finely beside a television case, when the excessive line from television to his lug can be arranged and an earphone is not used. An earphone receptacle (2) is for containing an earphone simply, when not using an earphone. A magnet (3) is a magnet for making it attached in the part of iron, such as a television case or a bed.

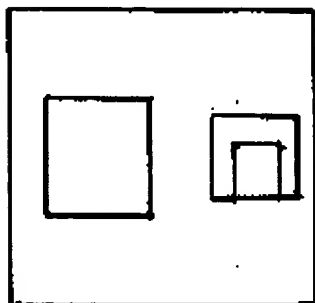
[0006]

[Claim(s)]

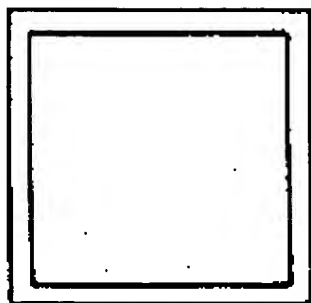
[Claim 1] The earphone receptacle which attached the magnet (3) to the body which prepared the part (1) which receives the line of an earphone, and the part (2) which receives an earphone. It is the constituted earphone receptacle like the above.

[Drawings]

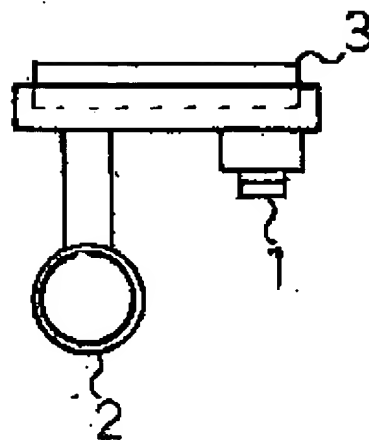
正面图



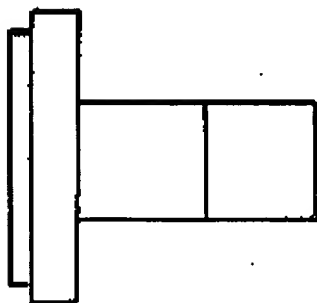
背面图



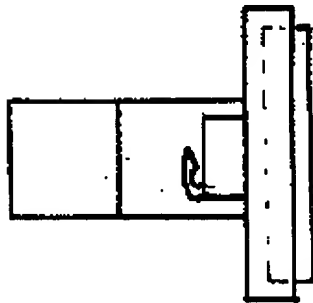
平面图



左侧面图



右侧面图



底面图

